

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JOSE MIGUEL DE LA CRUZ,

Plaintiff,

v.

GAVIN NEWSOM, et al.,

Defendants.

Case No. 1:20-cv-00997-DAD-EPG (PC)

ORDER DENYING PLAINTIFF’S MOTION  
TO CONSENT TO THE JURISDICTION OF  
THE MAGISTRATE JUDGE

(ECF No. 7)

Jose Miguel De La Cruz (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On August 21, 2020, Plaintiff filed a motion to consent to the jurisdiction of the magistrate judge. (ECF No. 7). Plaintiff states that he consents to magistrate judge jurisdiction in this action and asks for an order transferring formal jurisdiction of this case from District Judge Dale A. Drozd to the undersigned.

Plaintiff’s motion will be denied. Plaintiff may consent to magistrate judge jurisdiction, and the Court will issue (or may have already issued) another order regarding consent or decline of magistrate judge jurisdiction. However, in Williams v. King, 875 F.3d 500 (9th Cir. 2017), the Court of Appeals for the Ninth Circuit held that “28 U.S.C. § 636(c)(1) requires the consent of all plaintiffs and defendants named in the complaint—irrespective of service of process—before jurisdiction may vest in a magistrate judge to hear and decide a civil case that

1 a district court would otherwise hear.” Id. at 501. The defendants have not yet consented.  
2 Thus, jurisdiction may not vest in the undersigned at this time and Plaintiff’s motion will be  
3 denied.

4 Accordingly, based on the foregoing, IT IS ORDERED that Plaintiff’s motion to  
5 consent to the jurisdiction of the magistrate judge is DENIED.

6  
7 IT IS SO ORDERED.

8 Dated: August 25, 2020

9 /s/ Eric P. Grogan  
UNITED STATES MAGISTRATE JUDGE